

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE K-V PHARMACEUTICAL)
COMPANY SECURITIES LITIGATION) Case No. 4:11-CV-01816-AGF
)
)
)
)
)

**PLAINTIFF'S MOTION TO RECONSIDER THE SCOPE OF THE LEAVE TO AMEND
PROVIDED IN THE MEMORANDUM AND ORDER**

Pursuant to Fed. R. Civ. P. 54(b), Fed. R. Civ. P. 60(b), and the Court's inherent authority to alter its own interlocutory orders, Lead Plaintiff Lori Anderson ("Plaintiff") respectfully moves the Court for reconsideration of the Court's Memorandum and Order, dated March 27, 2014 ("Order"), restricting the scope of an amended complaint, and granting leave, pursuant to Fed. R. Civ. P. 15, for Plaintiff to file an amended complaint.

On March 27, 2014, the Court issued the Order (Dkt. No. 116) granting Defendants' motion to dismiss the Consolidated Amended Class Action Complaint, but "without prejudice to Plaintiffs' filing a second amended complaint with respect to a limited issue" of whether Defendants' statements about the Company's "financial assistance program for patients who could not afford Makena at the \$1,500 per injection price" were materially false and misleading. Order at 1, 21. The Court allowed Plaintiff twenty (20) days to file a new amended complaint covering the limited matter. Order at 21. Plaintiff now moves for reconsideration of the Court's decision to restrict the scope of amendment solely to the allegations concerning the financial assistance program. Plaintiff seeks leave to file an amended complaint, which would contain new allegations set forth in the Memorandum of Law in Support of Plaintiff's Motion to Reconsider the Scope of the Leave to Amend Provided in the Memorandum and Order

(“Memorandum”), which Memorandum is adopted by reference herein.

For all of the reasons set forth in the Memorandum, the Court should reconsider the scope of the leave to amend, and allow Plaintiff to file an amended complaint alleging, *inter alia*, the new information described in the Memorandum within twenty (20) days of an order allowing such amendment.

Dated: April 16, 2014

HOLLAND, GROVES, SCHNELLER & STOLZE,
LLC

/s/ Eric D. Holland
Eric D. Holland #39935-MO
R. Seth Crompton #57448-MO
300 North Tucker, Suite 801
St. Louis, MO 63101
Telephone: (314)241-8111
Facsimile: (314) 241-5554
Email: eholland@allfela.com
scrompton@allfela.com

Liaison Counsel for Lead Plaintiff and the Class

BROWER PIVEN
A Professional Corporation
David A.P. Brower
475 Park Avenue South, 33rd Floor
New York, NY 10016
Telephone: (212) 501-9000
Facsimile: (212) 501-0300

-and-

Charles J. Piven
1925 Old Valley Road
Stevenson, MD 21153
Telephone: (410) 332-0030
Facsimile: (410) 685-1300

Lead Counsel for Lead Plaintiff and the Class

KAHN SWICK & FOTI, LLC
Kim E. Miller
250 Park Avenue, Suite 2040
New York, NY 10177
Telephone: (212) 696-3730
Facsimile: (504) 455-1498
Email: kim.miller@ksfcounsel.com

-and-

Lewis S. Kahn
206 Covington Street
Madisonville, LA 70447
Telephone: (504) 455-1400
Facsimile: (504) 455-1498
Email: lewis.kahn@ksfcounsel.com

Additional Counsel for the Class

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Court's electronic mail notice list.

/s/ Eric D. Holland
Eric D. Holland #39935-MO